

Application No.: 09/623,487
Reply to Office Action Dated: May 27, 2003
Amendment Dated: November 20, 2003

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

Claims 9, 16, 32, and 39 have been amended to specify the monomers M2a and M2b.

The rejection of Claims 34, 35, 39 and 42 under 35 U.S.C. §102(b) as anticipated by Fölsch et al and the rejection of Claims 36-38, 40 and 41 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over Fölsch et al is respectfully traversed.

Fölsch et al fail to disclose or suggest a method of improving a wet abrasion resistance as claimed in Claim 34 or an emulsion paint as claimed in Claim 42. Monomers M2a and M2b are defined in Claims 39 and 49.

In particular, Fölsch et al require that the binders disclosed therein have either a crosslinking agent, which is capable of cross-linking the alkylene urea side group of the polymeric binder (see col. 2, lines 26 to 32) or that the binders contain contain a monomer which is capable of cross-linking with the urea side group, since it contains an optionally protected aldehyde group (see col. 2, lines 32 to 39). The claimed emulsion paints neither contain such a crosslinking monomer nor such a crosslinking agent.

Fölsch et al seek to improve the abrasion properties of polymeric films by crosslinking of the binder polymer. The binders in the claimed emulsion paint neither possess nor require such crosslinking properties to achieve good abrasion resistance. Consequently Fölsch et al teach away from the claimed invention.

Therefore, the rejection of Claims 34, 35, 39 and 42 under 35 U.S.C. §102(b) as anticipated by Fölsch et al and the rejection of Claims 36-38, 40 and 41 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over

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Fölsch et al are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The rejection of Claims 9-11, 13 and 15-45 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over Knutson (US 5,118,749) is respectfully traversed.

Knutson fails to disclose, with sufficient specificity, a polymer which consists exclusively of monomers M1, M2a, M2b and M3 and has no cross-linking additive. The Examiner relies on the combination of butyl acrylate and methyl methacrylate at col. 4, line 7, and has argued during the discussion on November 12, 2003, that other monomers disclosed in columns 3 and 4 of this reference may be combined with these monomers to obtain the present invention. However, there is no motivation or suggestion in the reference to select the claimed monomer mixture having the claimed amounts of each monomer to obtain the claimed copolymer P. There is no example of the claimed emulsion paints having the claimed copolymer P.

Further, Knutson does not address the problem of abrasion resistance but seeks to improve viscosity properties (see introductory part of Knutson). Knutson does not disclose or suggest a method of improving wet abrasion resistance as claimed in Claim 16.

Therefore, the rejection of Claims 9-11, 13 and 15-45 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over Knutson (US 5,118,749) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, the rejection of Claims 34-42 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over Farwaha et al (US 5,455,298) is respectfully traversed.

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The polymeric disclosed in Farwaha et al must contain an acetoacetate moiety (see claim 1 and summary of invention in col. 2). The acetoacetate moiety will be polymerized into the polymer (Farwaha et al, col. 2, last three lines). A preferred acetoacetate moiety is ethyl-2-chloroacetoacetate. This monomeric compound can be purchased from a Siiurefabrik in Switzerland (Farwaha et al, col. 3, lines 1-5). However, the claimed copolymer P does not contain such monomers since the polymer consists of monomers that do not have such a moiety.

Farwaha et al seek to improve the abrasion properties of polymeric films by crosslinking of the binder polymer (Farwaha et al, col. 1 line 60 to col. line 16, especially col. 2 line 13 in combination with the summary of invention, from which is clear that acetoacetate moieties serve as the reactive site for curing, i.e. for a crosslinking reaction). The binders in the claimed emulsion paint neither possess nor require such crosslinking properties to achieve good abrasion resistance. Consequently, Farwaha et al teach away from the claimed invention.

Therefore, the rejection of Claims 34-42 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over Farwaha et al (US 5,455,298) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The objection to Claim 45 under 37 C.F.R. § 1.75(c) and the rejection of Claim 45 under 35 U.S.C. §112, 2nd paragraph, is respectfully traversed. While Claim 28 may have 0% of monomer M4, Claim 45 requires that M4 be present and excludes 0% of M4. However,)% of M4 could still be present in Claim 28. Thus, Claim 45 further limits Claim 28. The objection and the rejection should be withdrawn.

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This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

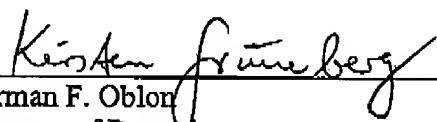
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